



Michigan Supreme Court

State Court Administrative Office
Michigan Hall of Justice
P.O. Box 30048
Lansing, Michigan 48909
Phone (517) 373-0128

Chad C. Schmucker
State Court Administrator

MEMORANDUM

DATE: October 24, 2012

TO: All Michigan Judges
cc: Court Administrators, Probate Registers, and Clerks of the Court

FROM: Chad C. Schmucker

RE: Election Procedure Lawsuits

We are sending this memo as a reminder to the courts because of the upcoming election on November 6, 2012. However, this memo applies to any election procedure lawsuits regardless of whether they are filed on Election Day or before or after Election Day.

Please note the following emergency procedures concerning Election Day, November 6, 2012.

1. No court proceedings regarding election procedures are to be instituted or orders issued except upon written complaint filed pursuant to the pertinent MCR provision.
2. The Supreme Court Clerk is to be notified immediately upon the filing of a complaint in any court regarding election procedures. The chief judge of the court concerned is responsible for ensuring that this notice is given to the Supreme Court Clerk's Office at (517) 373-0120. The chief judge should obtain and provide the following information:
 - a. Name of parties and case number,
 - b. Name of assigned judge,
 - c. Brief statement of the issues,
 - d. Brief statement of the case status, and
 - e. Telephone number where the assigned judge can be reached.
3. The State Director of Elections, Mr. Christopher Thomas, should be notified upon the filing of a complaint in any court regarding election procedures. Mr. Thomas can be reached at (517) 373-2540.

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4. The Attorney General's Public Employment, Elections, and Tort Division will oversee legal representation for the state on election matters. Assistant in Charge Denise Barton can be reached in the Lansing office at (517) 373-6434 from 7:00 a.m. to 9:00 p.m. After hours, please call Ms. Barton at (517) 719-3458.
5. In all matters regarding election procedures, a full and complete record must be kept.
6. Prior to the issuance of any order regarding election procedures by the court in which the written complaint has been filed, the court shall certify the controlling question or questions involved, in conformity with the procedures set out in MCR 7.305(A), except that in this instance the court shall address the question or questions directly to the Supreme Court without prior reference to the Governor. The question or questions shall first be telephoned to the Supreme Court Clerk before transmitting to the Supreme Court the complaint, any other record made, and the hard copy of the written question or questions.
7. All communications to the Supreme Court shall be addressed to the Supreme Court Clerk, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909; or by telephone at (517) 373-0120.

Unless indicated otherwise above, all phone numbers listed above will be answered during and after regular business hours on Election Day.

Please let me know if you have any questions.